

# Michigan Decency Action Council, Inc.

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## - Memorandum -

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**Date:** Monday, April 07, 1997

**To:** Office of the Secretary  
Federal Communications Commission

**From:** Dar VanderArk *DV*

**Subject:** CS Docket 97-55 - Formal Comments

Enclosed are an original and nine copies of formal comments pursuant to request in your report CS 97-6 dated Feb 7, 1997. Michigan Decency Action Council is a 12-year old public interest group dedicated to informing and educating citizens on matters concerning decency and traditional family values.

A diskette version is also being shipped under separate cover as directed in the subject report.

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## Michigan Decency Action Council

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**Dar VanderArk, Executive Director**

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April 4, 1997

**RE: CS Docket No. 97-55**

***Comments of the Michigan Decency Action Council, by its Executive Director, Dar VanderArk, concerning the industry proposal for rating video programming.***

Honorable Commissioners:

Contrary to the belief of some that the application of a rating system to video programming constitutes restraint on free speech, the opposite is true. Given a tool to readily identify certain aspects of program content actually frees the producer to create and distribute material that will not unwittingly offend the consumer. The danger in a rating system is not restraint of *free* speech but a restraint of *true* speech. If that system misleads the consuming public in an attempt to sell a media product or is so vague that a reasonable person cannot make an informed decision, it denigrates the value of free speech as well as the industry producing it.

The rating system proposed and instituted by the National Association of Broadcasters (NAB), the National Cable Television Association (NCTA) and the Motion Picture Association of America (MPAA) is a system that at best misleads the public and at worst is designed to allow the most offensive materials under the guise of a TV-MA rating. The ratings are vague enough to titillate without clearly defining offensive content. In fact, while parents often feel misled by the offensive content in many TV-PG programs, others with a more prurient interest may be upset by a TV-14 or TV-MA rating which doesn't "deliver." (*The fact that this writer is not aware of the TV-MA rating being applied to any broadcast program other than "Schindler's List" seems to indicate that the industry believes every other broadcast program shown to date is suitable for 14-year-olds!*)

The findings of Congress clearly and consistently addressed the need to *empower parents* to limit the negative influences of video programming. "Parents" are recognized throughout those findings as the primary controlling authority in the lives of their children — and rightly so. Indeed, a common response from the industry when challenged that children have been exposed to its most offensive materials is that the *parents should be controlling* what their children watch. While parents are supposed to be empowered and parents also get the blame, the industry has left parents out of the equation in its proposal.

Given the overwhelming testimony of the Congressional findings, the amendment establishing the television code and the published comments of the industry that parents are and should remain the controlling influence in the viewing choices of their children, it is preposterous that the establishment of the rating system would be left in the hands of the industry. That the industry

would plagiarize the MPAA movie rating system is no surprise. The movie rating system has proven to be almost worthless as a tool for discerning parents. To the disgust of many parents, any number of PG rated films have contained nudity, foul language (including the "F" word) and varying degrees and amounts of violence. Indeed the only way for parents to really learn of the possibly offensive materials in a PG movie is to go see it first. (One more ticket sale for the industry.) If a parent does rely on the rating and learns of the offensive content after their child views the film, the industry simply replies that the rating indicated "parental guidance" and then accuses the parent of not being diligent. So much for a helpful rating system.

The industry proposal presumes to make the judgement for parents as to what is suitable for their children. It does so without giving any indication of the nature of the potentially offensive content either as to type or amount. The vast majority of parents are not prepared to give up their parental responsibilities to an industry group whose primary concern is the marketing of their product.

### **Industry Proposal Failure**

The failure of the industry proposal is two-fold:

1. The rating does not identify the nature and amount of the sexual, violent or indecent content. It lends itself to a purely subjective analysis with no recognized objective criteria as to the actual content of a program.
2. The notification signal is too brief. The 15-second guideline icon's appearance at the beginning of each program is wholly inadequate for parental usage. Parents are not always able to stop what they are doing to catch the first 15 seconds of a program. Even when they try, they often don't make it. The growing industry practice of starting a show *before* the actual hour further frustrates conscientious parents. Broadcasters have no aversion to displaying their own network logo in the lower right hand corner of the screen for several minutes during a program.

### **Conclusion**

It is obvious that the industry has had its chance to bring a meaningful rating system to the broadcasting and has failed! Its decision to mimic the MPAA rating system for films demonstrates an unwillingness to do anything other than place itself in the role of parent and announce what *it* deems acceptable for children. The clear mandate of Congress was the development of a tool for parents. The industry proposal is a tool for the industry itself with little if any usefulness for parents.

The FCC should move quickly to reject the industry proposal and establish a television rating code under the provisions of Sec. 551(b) of the Telecommunications Act.

### **Recommendation**

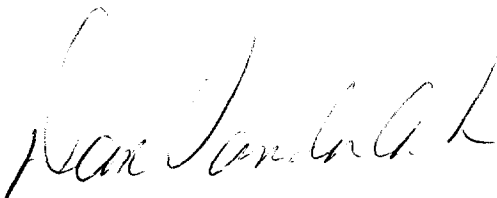
It is crucial that parents be given a content analysis of the three areas set forth by Congress as being important: sex, violence and indecency (language). While such an analysis will involve a certain amount of subjectivity, the ability to define objective standards would be a valuable asset to parents who use the rating.

The rating would have to encompass not only the raw number of incidents of the objectionable content but also the specific nature of the content. For instance, if a scale of 0 - 9, with 0 being harmless and 9 being most offensive, were applied to the language content of a program, a program with 4 incidents of "damn you" might receive a 3 for language while only one incident of "f--- you bitch" would earn a 9.

A most effective and efficient rating system would include a tool denoting the nature and amount of sexual, violent and indecent content. This could easily and compactly be displayed by the use of an icon showing the letters S V L with either a graphic representation or a number denoting the rating level of each area.

We don't presume to do the work of an advisory committee established by the Commission in this recommendation. Rather, we would simply like to show you that we honestly believe a workable rating system is possible. And while the industry should have some input in that system, it must be designed by a group dedicated to providing realistic information to parents.

Thank you for the opportunity to comment on behalf of the hundreds of thousands of parents in the great state of Michigan who are counting on you to make the right decision in this matter. The Michigan Decency Action Council has provided resources to thousands of Michigan citizens in their efforts to maintain a healthy and moral culture. Testimony has been offered before numerous State legislative hearings on decency and family related issues, and before the U.S. House of Representatives concerning the regulation of Dial-a-Porn. We stand ready to provide more information to the Commissioners upon request.



Dar VanderArk

Executive Director